IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.17 OF 2006

IN

PETITION NO.407 OF 2004

Vijay Narayan Gandhi. ...Petitioner.

vs.

1. Anil Narayan Gandhi & another. ...Respondents

Mr.Rahul Rao i/b. Mr.I.V.Rao, for Petitioner.

CORAM: D.K.DESHMUKH,J.

DATED: 28th July, 2006.

P.C.:-

1. The order for setting aside the order dated 10.8.2005 is sought by this notice of motion solely on the ground that on the date of the order the petitioner was not present and in his absence the order has been passed. Perusal of that order shows that the order has been passed by the Court on merit and therefore, it cannot be set aside. When the order is passed on merit, the petitioner has to file appeal or make an application for review. No such ground is made out. Hence, the notice of motion is disposed of.